

REMARKS

I. Status

The Office Action indicates claims 1-7, 9-14, and 16-20 to be pending in this Application.

Claims 1, 2, 4-7, 9-12, 14, 16-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube (U.S. Patent No. 5,666,661) in view of Karaoguz (U.S. Application No. 2002/0059434).

Claims 3, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube in view of Karaoguz and Schroderus (U.S. Patent No. 5,822,682).

Claims 1, 11, 16, and 17 are independent.

II. Rejection of Independent Claims 1, 11, 16, and 17 under 35 U.S.C. 103

The Office Action rejects claims 1, 11, 16, and 17 under 35 U.S.C. 103(a) as being unpatentable over Grube in view of Karaoguz.

However, the Applicant respectfully submits that Grube and Karaoguz, taken individually or in combination, fail, for example, to disclose, teach, or suggest:

“... in response to a determination that the criterion is met, changing from communicating between the first and second radio transceivers via the telecommunications network over the first channel using the first communications module to communicate between the first and second radio transceivers in direct mode using a second communications module associated with the first radio transceiver over a second channel ...”

as set forth in claim 1 (emphasis added).

As another example, Grube and Karaoguz, taken individually or in combination, fail to disclose, teach, or suggest:

“... a channel changer, responsive to a determination that the threshold is met, for changing from communicating with the first communications module via the telecommunications network over the first channel to direct mode communication between the transceiver and the remote transceiver with the second communications module over the second channel”

as set forth in claim 11 (emphasis added).

As an additional example, Grube and Karaoguz, taken individually or in combination, fail to disclose, teach, or suggest:

“... a channel changer responsive to a determination that the threshold is met, for changing from communicating with the first communications module via the telecommunications network over the first channel to effect direct mode communication between the transceivers with the second communications module over the second channel”

as set forth in claim 16 (emphasis added).

As a further example, Grube and Karaoguz, taken individually or in combination, fail to disclose, teach, or suggest:

“... means, responsive to a determination that the threshold is met, for changing from communicating with the first means via the telecommunications network over the first channel to direct mode communication between the transceiver and the remote transceiver with the second means over the second channel”

as set forth in claim 17 (emphasis added).

The Office Action contends that such is taught among Fig. 3 and column 1 lines 61-63 of Grube.

However, the Applicant respectfully observes that these portions of Grube fail, for instance, to disclose, teach, or suggest the above-noted “first communications module” and “second communications module,” or the above-noted “first means” and “second means,” of the claims, and instead merely discuss a single “dual mode communication unit”:

“Motorola provides a dual mode communication unit, i.e., one that operates on either a system communication resource or in a direct mode. This unit allows the user to exclusively operate his or her communication unit in either the direct mode or the system mode. To switch from one mode to the other, this unit must be manually adjusted, thus it does not resolve the above mentioned problem”
(see Grube col. 1 ln. 61-67; emphasis added).

Turning to the Office Action’s citation of Karaoguz’s discussion that:

“[i]n one embodiment, the invention relates to systems and methods for implementing multi-mode wireless communication devices such as PDAs or multi-function (e.g. data, voice, and multimedia) mobile phones that best take advantage of the wireless networks in their proximity. That is, in the case where a nearby wireless network (WAN, LAN, or PAN) happens to provide more data bandwidth and/or better quality of service (QoS), a multi-mode wireless device may switch to that particular wireless network to access these services. Several network coverage scenarios include, for example ...”
(see Karaoguz paragraph [0009]; emphasis added),

the Applicant respectfully observes that Karaoguz fails, for instance, to disclose, teach, or suggest that such “switch” involves changing from a first communications module to a second communications module, or changing from first means to second means, and instead merely discusses that:

“FIG. 3 is a block diagram that represents network selection operations that may be performed in accordance with the invention. In some instances, a multi-mode communication device will select one of two or more available networks. To this end, the device may selectively route information

to/from a user interface 66 from/to another device in the selected network. Thus, information will be routed to/from an appropriate network processor element 60 or 62. This selection may be based on many factors. The device may select a network with, for example, 1) a higher bandwidth; 2) a broader area of coverage; 3) less expensive connection costs; 4) different QoS; or 5) better services (e.g., Internet access, multi-media access, etc.)”
(see Karaoguz paragraph [0041]).

Moreover, the Applicant respectfully submits that even if, for the sake of argument, it is taken to be known to provide communications devices with two or more communications modules for communicating on channels of different types, it is clear that such and that which is discussed by the cited references, taken individually or in combination, would, as a whole, still fail, for instance, to disclose, teach, or suggest changing from a first communications module to a second communications module, or changing from first means to second means, to change between communicating via a telecommunications network and communicating in direct mode.

In view of at least the foregoing, the Applicant respectfully submits that claims 1, 11, 16, and 17, as well as those claims that depend therefrom, are in condition for allowance.

III. Dependent Claims

The Applicant does not believe it is necessary at this time to further address the rejections of the dependent claims as the Applicant believes that the foregoing places the independent claims in condition for allowance. The Applicant, however, reserves the right to further address those rejections in the future should such a response be deemed necessary and appropriate.

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CONCLUSION

The Applicant respectfully submits that this application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4232.

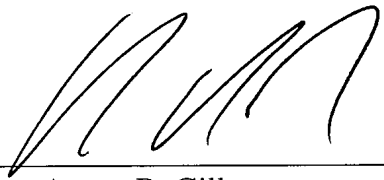
Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: June 3, 2008

By:

A handwritten signature in black ink, appearing to be 'Angus R. Gill', written over a horizontal line.

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